

Scheidlin, S.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File C.A. No.  
1:00-1898 (SAS)  
MDL 1358

**This Document Relates To:**

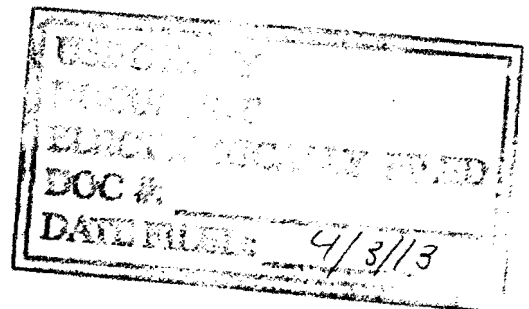
*City of Fresno v. Chevron U.S.A., Inc., et al.,*  
Case No. 04-Civ-04973

**[PROPOSED] ORDER OF DISMISSAL**

After considering the parties' Stipulated Dismissal of Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc. at Certain Trial Sites, and for good cause shown, the Court hereby:

**ORDERS, ADJUDGES, AND DECREES** that all claims and demands of Plaintiff City of Fresno against Defendants Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc. are hereby **DISMISSED WITH PREJUDICE** pursuant to Fed. R. Civ. P. 41(a)(2) for the following trial sites:

1. Smith Tank Lines/ Carey Oil, 30 E. Divisadero;
2. Tulare Exxon, 4594 E. Tulare Street;
3. Beacon # 3519, 4591 E. Belmont;
4. Beacon # 615, 1625 Chestnut Avenue;
5. Van Ness Auto, 2740 Van Ness Boulevard.



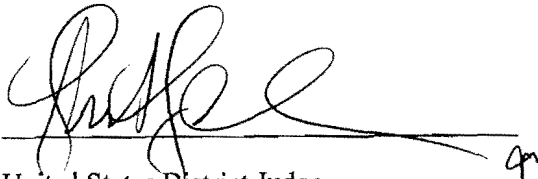
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Each party shall bear its own costs, expenses, and attorneys' fees in connection with this dismissal.

**IT IS SO ORDERED**

Dated: \_\_\_\_\_

4/3/13

  
United States District Judge

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 2nd day of April 2013, I served a copy of the foregoing Stipulated Dismissal of Duke Energy Merchants, LLC and Northridge Petroleum Marketing U.S., Inc. at Certain Trial Sites on all counsel of record in City of Fresno v. Chevron U.S.A., Inc., Case No. 04-Civ-4973 (SAS) via LexisNexis File & Serve.

/s/ James R. Wedeking

James R. Wedeking